MONTANA LEGISLATIVE HISTORY

Chapter 189 19 69

Bill H _____ S 95 Original bill & history ___C

H. Committee on Public Health...			S. Committee on Public Health...		
Hearing Date(s)	_____	___C	Hearing Date(s)	1-22	✓C
No minutes	_____	___C		_____	___C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	_____	___C			

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

1969 SENATE

1969 SENATE PUBLIC HEALTH, WELFARE & SAFETY

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

BILL NO.	ENTERED COMM.	OUT OF COMM.	DO PASS	DO NOT PASS	DO PASS AS AMENDED	BE CONCURRED IN	BE CONCURRED IN AS AMENDED	BE NOT CONCURRED IN	
SB-21	1/14/69								
	ext. 1/20/69	1/24/69			X				
SB-30	1/10/69	1/17/69			X				
SB-41	1/14/69	1/17/69			X				
SB-54	1/14/69	1/17/69			X				
		2/10/69			X				
SB-60	1/14/69								
	ext. 1/20/69	1-22-69		X					
SB-75	1/15/69	1/20/69			X				
SB-96	1/16/69								
	ext. 1/23/69	2/3/69	X						
HB-61	1/17/69								
	ext. 1-23-69	2/27/69				X			
SJR-11	1/18/69								
	ext. 1/25/69	1/31/69	X						
SB-95	1/18/69	1-22-69	X						
SB-130	1/18/69 (to sub-comm. 1/20/69)								
	ext. 1/23/69	1/24/69		X					
SB-140	1/20/69								
	ext. 1/27	2/3/69		X					

MINUTES

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
STATE SENATE

January 21, 1969

A meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Flynn in Room 410 on adjournment, January 22, 1969. Roll call was taken; Senators Shugrue and Hibbard were absent.

SENATE BILL 95 was considered by the committee. Senator David James, District No. 19, Joplin, appeared on behalf of this bill. Senator James explained that under the present law a physician cannot examine or treat a minor for a pregnancy or venereal disease without the knowledge and consent of the parent or guardian. As a result, there is a lot of difficulty with younger people with venereal disease to report for early diagnosis and treatment which is essential if the disease is to be controlled. A law, such as is proposed in SB 95, freeing the physician from having to obtain the parental consent for treatment of minors who have or suspect they have a pregnancy or venereal disease, could make this information confidential the same as for adults.

Others appearing as proponents of SB 95 were:

Dr. John Anderson, State Department of Health;
Mel Lindburg, Coordinator of Medicare and Licensing Program of the State Department of Health; and
Chad Smith, Attorney for Montana Hospital Assn.

SENATE BILL 96 was considered by the committee. Senator James explained that, under the Social Security Act, in-hospital medical staff committees have been appointed in order to treat patients under the Medicare Plan. These committees act as a "spot-check" of other members of a hospital staff with patients receiving medicare aid. They are to see that no doctor on the staff is taking advantage of anyone including the Social Security program. It is increasingly difficult to get doctors to serve on these committees because they hesitate to give an adverse report about another doctor.

Senator James submitted proposed amendments to the bill which would insert the words "long-term care facilities" after the word "hospital".

Dr. John Anderson, State Department of Health, stated that the Montana Medical Association has endorsed both Senate Bill 95 and 96.

Mel Lindburg, Coordinator of Medicare and Licensing Program in State Department of Health, explained that this committee was not an action committee -- its function is to evaluate the quality of care that the patient is receiving in the hospital and the length of time kept in the hospital. If the committee determines that the patient, in their judgment, has reached maximum hospital benefits, they recommend through their committee report that hospital benefits be terminated. The physician or parent must be notified. The physician makes the final decision. The physician's judgment will not be overruled in most cases. The review committee is usually appointed by the chief of medical staff in accordance with rules, regulations and by-laws of each facility.

Others appearing as proponents of SB 96 were:

Chad Smith, Attorney for Montana Hospital Assn.; and
Cordell Johnson, Attorney for Montana Medical Assn.

SENATE BILL 60: Senator Dzivi, first author of the bill, stated that this bill was designed to prohibit the sale of any fireworks to the general public, limiting their use to public displays only. Senator Dzivi explained that in 1968, 63 fires in the state of Montana were caused by fireworks.

Curt Hesler, a fireworks dealer in Missoula, appeared as an opponent to SB 60, stating that Montana has safe and sane fireworks now and that if fireworks were prohibited in Montana kids would be likely to obtain kits and supplies to make their own fireworks which could be much more dangerous.

Also appearing as opponents to SB 60 were:

Bert Wood, Owner of a drive-in restaurant and gift shop at St. Regis (retailer of fireworks);
Charles Hemgren, Missoula (retailer);
John Peterson, Nine-Mile Valley, Missoula (driver salesman not dealing with fireworks);
John Evans, Livingston, R & S Marketing Service, (distributor);

Chairman Flynn excused all of the witnesses.

After due consideration of Senate Bill 60, Senator Stephens motioned that SB 60 do not pass. The motion was seconded by Senator Cochrane and carried.

Senator Reber motioned that SB 95 do pass. The motion was seconded by Cotton and carried.

Senate Bill 96 was referred to a sub-committee: Dzivi, Chairman; Bennett; Bollinger.

Elmer Flynn
Senator Elmer Flynn, Chairman

☒ DO PASS
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

January 22 19 69

MR. PRESIDENT:

We, your committee on Public Health, Welfare and Safety

having had under consideration Senate Bill No. 95

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT MINORS MAY GIVE LEGAL CONSENT TO HOSPITALS, PUBLIC CLINICS OR PHYSICIANS FOR DIAGNOSI AND TREATMENT FOR PREGNANCY OR VENEREAL DISEASE; THAT SUCH CONSENT SHALL BE BINDING ON THE MINOR AND NOT SUBJECT TO LATER DISAFFIRMANCE BY REASON OF SUCH MINORITY; THAT THE CONSENT OF NO OTHER PERSON SHALL BE NECESSARY IN ORDER TO AUTHORIZE CARE OR SERVICES PROVIDED TO SUCH MINOR OR MINOR'S CHILD; THAT HOSPITALS, PUBLIC CLINICS OR PHYSICIANS MAY, IN THEIR SOLE DISCRETION, GIVE OR WITHHOLD INFORMATION CONCERNING FACTS THAT MINOR PATIENTS ARE PREGNANT OR HAVE VENEREAL DISEASE; THAT NO INFORMATION SHALL BE GIVEN BY HOSPITALS, PUBLIC CLINICS OR PHYSICIANS TO ANY SPOUSE, PARENT, CUSTODIAN OR GUARDIAN OF ANY MINOR PATIENT IN CASES WHERE SAID MINOR PATIENT IS FOUND NOT TO BE PREGNANT OR NOT INFLICTED WITH VENEREAL DISEASE; THAT ACT APPLIES TO MINORS WHO PROFESS TO BE IN NEED OF MEDICAL SERVICES WHETHER THEIR SUSPICIONS OF PREGNANCY OR VENEREAL DISEASE ARE SUBSEQUENTLY MEDICALLY SUBSTANTIATED; PROVIDING THAT ANY CONSENT GIVEN BY A MINOR UNDER THIS ACT FOLLOWING DELIVERY OR OTHER TERMINATION OF PREGNANCY SHALL NOT INCLUDE CONSENT TO ANY SURGERY NOT DIRECTLY CONNECTED WITH THE PREGNANCY; PROVIDING THAT HOSPITALS, PUBLIC CLINICS AND PHYSICIANS WHO PROVIDE CARE OR SERVICES UNDER THE TERMS OF THIS ACT SHALL INCUR NO CIVIL OR CRIMINAL LIABILITY, EXCEPT THAT SUCH IMMUNITY SHALL NOT APPLY TO NEGLIGENT ACTS OR OMISSIONS; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That Senate Bill No. 95

1969
HOUSE

JUDICIARY COMMITTEE

41st Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action
121 ach, ardon	An act pertaining to insurance contracts, including possible reasonable attorney fee.	1/27	2/11		2/13	BE NOT CONCURRED IN.
128 lfeather al	An act pertaining to jurisdiction of courts in dissolution of corporations-amending Sec. 15-2290	1/27	2/11		2/11	CONCURRED IN AS AMENDED
129 lfeather al	An act pertaining to jurisdiction of courts in dissolution of corporations - amending Sec. 15-2354	1/27	2/11		2/11	CONCURRED IN
142 ber	An act to permit immigration and naturalization service officers to carry concealed weapons without a permit.	1/27	2/13		2/13	BE CONCURRED IN
95 es, McKeon, nett, Nees	An act pertaining to minors' legal consent to hospitals, public clinics or physicians, for certain diagnosis and treatment.	1/29	~~2/xxx~~	Returned to Chief Clerk to be referred to Public Health		
122 ch, Reardon	An act pertaining to prevention of discrimination in property, casualty and surety insurances.	1/29	2/11		2/13	BE CONCURRED IN AS AMENDED
80 , et al	An act relating to the order of persons entitled to administer an estate of all persons dying intestate.	2/1	2/10		2/12	BE CONCURRED IN

House

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

41st Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
ATE BILL . 95 nett, Nees	PERTAINING TO MINORS' LEGAL CONSENT TO HOSPITALS, PUBLIC CLINICS OR PHYSICIANS, FOR CERTAIN DIAGNOSIS AND TREATMENT	2-10-69	2-13-69		2-18	BE CONCURRED IN, AS AMENDED	SIGNED BY GOVERNOR
ATE BILL 263 Keenan,	TO PROVIDE ANNUAL ADJUSTMENT TO AMOUNT OF AID PAID TO NEEDY BLIND	2-12-69	2-25-69		2-25	BE CONCURRED IN	KILLED IN HOUSE
USE RESOL. . 7	REQUESTING CREATION OF MEDICAL DISPENSARY FACILITY IN CAPITOL FOR BENEFIT OF LEGISLATORS, ATTACHES AND REGISTERED LOBBYISTS	2-13-69	2-20-69		2-20	DO PASS	ADOPTED
ATE BILL O. 54	INCREASING THE PENALTY UNDER THE MONTANA DANGEROUS DRUG ACT, AND TO CHANGE THE AGE GROUP TO WHICH THE PENALTY APPLIES	2-13-69		Held in Committee at Sponsor's request			
ATE BILL O. 148	PROVIDING FOR ELECTRICAL INSPECTIONS IN PRIVATELY OWNED BUILDINGS TO BE PERFORMED WITHIN THREE DAYS	2-13-69	2-22-69		2-25	BE NOT CONCURRED IN	KILLED IN HOUSE
ATE BILL O. 247 ll, Lynch, , McKeon, ue, Flynn	TO ASSURE ELIGIBILITY FOR AID TO DEPENDENT CHILDREN ASSISTANCE FOR CHILD CARE IF FATHER IS SEEKING EMPLOYMENT	2-13-69	2-25-69		2-25	BE CONCURRED IN	KILLED IN HOUSE
TE BILL 5	TO ESTABLISH A MENTAL RETARDATION CENTER AT BILLINGS	2-15-69	2-22-69		2-22	BE CONCURRED IN	KILLED IN HOUSE

CHAPTER 189

An Act Providing That Minors May Give Legal Consent to Hospitals, Public Clinics or Physicians for Diagnosis and Treatment for Pregnancy or Venereal Disease; That Such Consent Shall Be Binding on the Minor and Not Subject to Later Disaffirmance by Reason of Such Minority; that the Consent of No Other Person Shall Be Necessary in Order to Authorize Care or Services Provided to Such Minor or Minor's Child; That the Physician or Physicians May, in Their Sole Discretion, Give or Withhold Information Concerning Facts That Minor Patients Are Pregnant or Have Venereal Disease; That No Information Shall Be Given by Hospitals, Public Clinics or Physicians to Any Spouse, Parent, Custodian or Guardian of Any Minor Patient in Cases Where Said Minor Patient Is Found Not to Be Pregnant or Not Afflicted With Venereal Disease; That Act Applies to Minors Who Profess to Be in Need of Medical Services Whether Their Suspicions of Pregnancy or Venereal Disease Are Subsequently Medically Sustantiated; Providing That Any Consent Given by a Minor Under This Act Following Delivery or Other Termination of Pregnancy Shall Not Include Consent to Any Surgery Not Directly Connected With the Pregnancy; Providing That Hospitals, Public Clinics and Physicians Who Provide Care or Services Under the Terms of This Act Shall Incur No Civil or Criminal Liability, Except That Such Immunity Shall Not Apply to Negligent Acts or Omissions.

Be it enacted by the Legislative Assembly of the State of Montana:

Consent to medical treatment or services by minor—when.

Section 1. The consent to the provision of medical or surgical care or services by a hospital, public clinic, or the performance of medical or surgical care or services by a physician, licensed to practice medicine in this state, when executed by a minor who is, or professes to be married, or by a female minor who is, or professes to be pregnant, or by a minor who is, or professes to be afflicted with a venereal disease, shall be valid and binding as if the said minor had achieved his or her majority as the case may be; that is, a minor who is, or professes to be married, or a female minor who is, or professes to be pregnant, or a minor who is, or professes to be afflicted with a venereal disease, shall be deemed to have, and shall have the same

legal capacity to act, and the same legal obligations with regard to the giving of such consent to such hospital or clinical care or services or medical or surgical care or services to be provided by a physician licensed to practice medicine in this state, as a person of full legal age and capacity, the infancy of said minor and any contrary provisions of law notwithstanding, and such consent shall not be subject to later disaffirmance by reason of such minority; and the consent of no other person or persons (including, but not limited to a spouse, parent, custodian, or guardian) shall be necessary in order to authorize such hospital or clinical care or services or medical or surgical care or services to be provided by a physician licensed to practice medicine in this state to such a minor or minor's child.

Informing of spouse, parent, custodian or guardian of minor.

Section 2. A treating physician or if more than one, any one of them, may, but shall not be obligated to, inform the spouse, parent, custodian or guardian of any such minor in the circumstances as enumerated in Section 1 of this act, as to the treatment given or needed, and such information may be given to, or withheld from, the spouse, parent, custodian or guardian without the consent of the minor patient and even over the express refusal of the minor patient providing such information; the providing or withholding of such information to rest in the sole discretion of the physician. In the event that the said minor is found not to be pregnant or not afflicted with venereal disease, then no information with respect to any appointment, examination, test or other medical procedure shall be given to the spouse, parent, custodian, or guardian of said minor.

Application to minors alleged to be in need of medical treatment.

Section 3. The provisions of this act shall also apply to minors who profess to be in need of hospital or clinical care or services or medical or surgical care or services to be provided by a physician licensed to practice medicine in this state, whether because of suspected pregnancy or venereal disease, regardless of whether such professed suspicions of pregnancy or veneral disease are, or are not subsequently substantiated on a medical basis.

Consent invalid—when.

Section 4. Any consent given pursuant to the provisions of this act by a minor shall not be deemed to be valid if, following a delivery or other termination of a pregnancy,

it is determined that surgery not directly connected with the pregnancy is required or shall be requested.

Immunity of physicians and hospitals.

Section 5. In any case arising under the provisions of this act the hospital, public clinic, or physician, licensed to practice medicine in this state, who provides the care or services or who performs medical or surgical care or services shall incur no civil or criminal liability by reason of having provided the care or services, but such immunity shall not apply to any negligent acts or omissions.

Approved: March 3, 1969.

CHAPTER 190

An Act Amending the Montana Motor Carrier Act Exempting the Transportation of Newspapers, Newspaper Supplements, Periodicals, or Magazines From the Provisions of This Act; Exempting From the Provisions of the Act Tow Trucks and Wreckers Designed and Exclusively Used in Towing Abandoned, Wrecked or Disabled Vehicles or While Such Vehicles Are Rendering Assistance to Abandoned, Wrecked or Disabled Vehicles; Exempting Ambulances; Amending Section 8-101, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 8-101, R.C.M. 1947, is amended to read as follows:

8-101. **Definition of terms.** Unless the language or context clearly indicates that different meanings are intended, the following words, terms and phrases shall, for the purposes of this act, be given the meanings hereinafter subjoined to them.

"Board."

(a) The word 'board' means the board of railroad commissioners of the state of Montana.

"Corporation."

(b) The term 'corporation' means a corporation, company, association or joint stock association.

"Person."

(c) The term 'person' means an individual, firm or copartnership.

"Certificate."

(d) The word 'certificate' means the certificate of